

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANDRE L. RAMSEY,	§
	§ No. 11, 2009
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0607017463
	§
Plaintiff Below-	§
Appellee.	§

Submitted: January 28, 2009
Decided: February 18, 2009

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

ORDER

This 18th day of February 2009, it appears to the Court that:

(1) On January 9, 2009, the Court received the appellant's notice of appeal from the Superior Court's order, dated December 3, 2008 and docketed December 4, 2008, which denied his motion for credit for time previously served. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the December 3, 2008 order should have been filed on or before January 3, 2009.

(2) On January 9, 2009, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on January 28, 2009. The appellant states that the mail is slower during the holidays, which might have caused the delay in the Court's receipt of

his notice of appeal. Pursuant to Supreme Court Rule 6, the appellant's notice of appeal must be filed within 30 days after entry upon the docket of the judgment or order being appealed.

(3) Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Office of the Clerk of the Court within the applicable time period in order to be effective.² An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.³ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.⁴

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that the within appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² Supr. Ct. R. 10(a).

³ *Carr v. State*, 554 A.2d at 779.

⁴ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).